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Larry M. Weil, Planning Director
Steven Zimmer, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
April 9, 2012 at 7:00 P.M.
West Fargo City Hall

Members Present: Jason Gustofson
Frank Lenzmeier
Terry Potter
Tom McDougall
Edward Sheeley
Jerry Beck

Members Absent: Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Dustin Scott, Dean Skaflen, Peter Karl

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the March 12, 2012 meeting minutes as printed. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A12-12 Charleswood 28th Addition, a replat of Lots 2, 3 and 4, Block 1 of Charleswood 25th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located southwest of the Middle School site on East Beaton Drive and east of Titan Machinery. The applicant proposes to replat the property for development of professional office space.

The applicant has submitted an Area Plan and Preliminary Plat with the application. The Area Plan shows the commercial office properties to the west and retention pond, single family and townhouses to the north. This plat is taking 3 lots, previously platted as Lots 2, 3, & 4 of Charleswood 25th Addition, and replatting as two lots. Proposed Lot 1 is to be sold and developed for office space, with Lot 2 remaining with the original owner for future sale and development.

The street right-of-way, which was platted with Charleswood 25th Addition, for East Beaton Drive is 75' which follows the standard established for the street with the Melroe Co. First Addition.

Buffering is required on the north side of the commercial properties where there are abutting residential uses. The Zoning Ordinance requires year round screening with a solid fence or green belt planting strip. The green belt planting strip needs to consist of evergreen trees and/or deciduous trees and plants and be of sufficient width and density to provide an effective visual screen. The benefit of evergreen trees would be a better visual screen and some sound reduction from traffic on I-94. The full benefit would not be realized for a number of years until the trees are taller. The Bobcat properties had an existing shelter belt along the north side which provided a screen for the abutting Charleswood residential properties.

City Departments, utility companies, and other agencies were notified regarding the replat. No issues have been identified. It is recommended to conditionally approve the proposed application on the basis that it is consistent with City plans and ordinances. The conditions of approval are as follows:

1. The Final Plat is received with any necessary easements.
2. An Attorney Title Opinion is received.
3. A certificate is received showing taxes being current.
4. A drainage plan is received and approved by the City Engineer.

5. A Subdivision Improvement Agreement is received.

Steven indicated a property owner to the north, who is the President of the Villas at Charleswood Association, asked for more information. They have no concerns as long as it's office without much more traffic. They hope the area will develop, so they won't have to deal with weeds and bugs on the vacant lots anymore.

There were no comments from the public, the hearing was closed.

Commissioner McDougall indicated he has an interest in the property and will be abstaining from voting.

Chair Lenzmeier asked if there were any comments from utility companies regarding the plat. Steven stated that with the original plat there was a comment from a utility company regarding the easement. If the utilities aren't using the easement then it could possibly be removed in the future.

Commissioner Gustofson made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. No opposition. Commissioner McDougall abstained from voting. Motion carried.

Chair Lenzmeier opened public hearing A12-13 Conditional Use Permit for an oversized accessory building at 330 31st Avenue NW (Lot 1, Block 2 of Selberg's 4th Subdivision), Cass County, North Dakota.

Steven reviewed the following information from the staff report:

The property is in Selberg's 4th Subdivision which is within the city's extraterritorial jurisdiction. The applicant has submitted a site plan and is proposing a 70' x 40' (2,800 ft²) detached garage. The height at the peak would be 19' with a 5/12 roof pitch. The largest accessory building that has been approved in an R-1E zoned neighborhood is 2,800 ft². According to the site plan, the proposed accessory building meets setback requirements.

Accessory structures over 1000 ft² have been conditionally approved in the past for rural subdivisions provided they are in character with the development pattern of the subdivision. The applicant has submitted elevations with his application that do not show the exterior finish, but do note that the siding and shingles will match the existing home. Ingress and egress to the property is from 31st Avenue NW.

Property owner will be required to have his property surveyed to find elevations to ensure the proposed structure is built above the 100 year flood plain level. This is a requirement of Building Administration prior to issuing a building permit outside of the Sheyenne Diversion. Accessory buildings within the R-1E district are limited to 20' in height.

Notices were sent to property owners within 350' review and no comments have been received.

It is recommended to conditionally approve the application on the basis that the request is consistent with City plans and ordinances and is in character with the development in the area. The condition for approval is that the applicant complies with the City's flood plain standards.

There were no comments from the public. The hearing was closed.

Commissioner Sheeley made a motion for approval based on staff recommendations. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A12-14 Rezoning from R-2: Limited Multiple Dwellings to PUD: Planned Unit Development and Land Use Plan Amendment from Medium Density Residential to Office Park of Lot 2, Block 3 of Eagle Run 8th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is west of Cass County Highway #17 (Sheyenne Street) and south of 34th Avenue West, was platted and zoned for office space in October of 2002 and was rezoned again in July of 2010 for multiple dwellings. Development of the property is limited due to Sheyenne Street right-of-way needs, which will encompass the majority of the property to the

south. The applicant proposes a Land Use Plan Amendment from Medium Density Residential to Office Park and rezoning from R-2: Limited Multiple Dwellings to Planned Unit Development to accommodate a proposed office building.

The original developer had initially proposed a townhouse planned unit development for the property, but requested a change in use to office which was approved by the City. The City placed limited access restrictions on the subdivision plat along 34th Avenue West, because of the depth of the lot and potential impact on the 34th Avenue West/Sheyenne Street intersection. Also, no access was allowed onto Sheyenne Street.

The original applicant indicated that the property has been difficult to develop due to the width of the property and challenging access from 34th Avenue West and limited interest in providing an access from Sheyenne Street. The property went back to the City for back taxes this year.

The property extends over 960' between 34th Avenue West and 36th Avenue West; however, right-of-way needs for Sheyenne Street relocation due to the Sheyenne River impacts would utilize the majority of the property. Access onto 34th Avenue West should be a minimum of 120' from the Sheyenne Street intersection according to City driveway/access ordinance standards, because of the proximity to the connecting arterial street. The lot is only 181' in depth, so the access should be placed as far west as it can be.

This property is located within the Corridor Overlay District and must meet setback and building materials requirements. Site plans and elevation plans show these requirements are met. The use will be for a State run motorcycle training facility.

Notices were sent area property owners. No comments have been received.

It is recommended to conditionally approve the rezoning on the basis that the proposed use would be compatible with the surrounding uses. The conditions of approval are as follows:

1. The Land Use Plan is amended from Medium Density Residential to Office Park.
2. Access onto 34th Avenue West is granted with the access being located to the far west side of the property.

Commissioner Gustofson indicated he would be abstaining from voting. He purchased the entire property and once right-of-way needs are determined, the City will buy a portion of the land back at the original cost. He needs to have his project completed by June 1st, so he needs to get this approved. The elevation was changed as the tenants don't want any windows. It's a training facility, funded by the State as part of ND Abate.

There were no other comments from the public. The hearing was closed.

Chair Lenzmeier asked how the property was sold. Commissioner Gustofson stated through a real estate company.

Commissioner Beck made a motion for approval. Commissioner McDougall seconded the motion. Commissioner Gustofson abstained from voting. No opposition. Motion carried.

Under non-agenda, Steven reviewed the revised Shiloh 2nd site plan and elevation plans for informational purposes.

Larry stated that the plans were sent to area residents for review and no comments have been received. Staff is waiting for documents before proceeding on to the City Commission. Property owners are also concerned about the park dedication and sewer water hookup fees.

Chair Lenzmeier indicated he drove down their road and contrary to comments, there is gravel.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.